REMARKS

This is a response to the Office Action of March 16, 2004.

Regarding paragraph 4 of the Office Action, Applicant is filing formal drawings herewith.

Claims 1-3, 5-11 and 14-16 are amended to improve clarity, claims 4, 12, 13 and 17 are cancelled, and claims 18-22 are new. Claim 22 is based on claim 1. See, e.g., the specification, page 18, bottom line to page 19, line 15.

Claims 1-17 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. patent 5,812,780 to Chen et al., U.S. patent 6,243,832 to Eckes et al, and U.S. patent 6,314,531 to Kram et al., and further under 35 U.S.C. §102(b) as being anticipated by U.S. patent 5,732,213 to Gessel et al., U.S. patent 5,862,362 to Somasegar et al. and WO 97/35406 to Swetman. Note that "Gessel" is misspelled as "Gressel" in the Office Action. Applicant traverses the rejections.

As a general comment, Applicant notes that the Office Action does not specifically indicate which portions of the cited references allegedly disclose the claimed features.

Chen et al. are concerned with assessing the performance of a server application such as e-mail (Abstract; column 4, line 66 to column 5, line 2). Accordingly, Chen at al. are not concerned with providing a high fidelity simulation of a client/server system by simulating at level 2 of a protocol stack by formulating client requests having unique client identifiers at the level 2 of the protocol stack, as set forth in Applicant's claim 1. Applicant specifically notes in his specification that simulation tools that simulate at the application level yield an application specific simulator, which therefore does not provide a general-purpose simulator. This is the problem that Applicant's system addresses by simulating at level 2 (specification, page 2, line 26 to page 3, line 8).

Eckes et al. provide testing of a network access server by providing unique network addresses for the test computer system and the host computer system (Abstract). An IP address may be assigned from a block of IP addresses based on a user identifier (column 10, lines 54-67). In contrast, Applicant's claim 1 sets forth simulating at level 2 of a protocol stack, which may be the data link layer of the protocol stack (claim 19). Moreover, an identifier at level 2 of the protocol stack may comprise a media access control (MAC) identifier (claim 18). A unique

identifier such as an IP address may be provided at level 3 of the protocol stack as well (claims 20 and 21). Furthermore, Applicant's approach does not require the IP addresses to be obtained from a block of addresses. The addresses can be set by the simulator itself and therefore be completely arbitrary. Also, the present invention is not limited to the use of TCP/IP.

Kram is concerned with using emulation hosts to emulate network latency, packet corruption, packet shuffling, packet loss and network congestion (abstract). The emulation hosts E1, E2 and E3 in Fig. 3 of Kram are positioned between subnet switches to introduce latency and other faults in a controlled and repeatable manner (column 6, lines 9-26). Each emulation host may be a workstation 103 (Fig. 2) to which messages are redirected from other workstations 101, 105 (column 4, line 62 to column 5, line 7). Kram discusses altering medium control access (MAC) addresses. For example, a MAC address table 201 at the workstation 101 is changed so that its packets are redirected from workstation 105 to the emulation host workstation 103. The MAC address table 203 at the workstation 103 is set so that its packets are sent to the emulation host workstation 105 after a delay (column 4, line 62 to column 5, line 12, Figure 3). Thus, Kram is only substituting one MAC address in place of another. Kram is not simulating client requests that have unique client identifiers, such as MAC identifiers, at level 2 of a protocol stack.

Gessel et al. are concerned with testing OSI layers 3 through 7 (Abstract). Accordingly, Gessel et al. are not concerned with simulating client requests that have unique client identifiers at level 2 of the protocol stack as set forth in Applicant's claim 1. In the Gessel et al. approach, level 1 and 2 communications protocols are replaced by a LAN protocol, which is in turn encapsulated by TCP/AP (column 5, lines 22-30). Accordingly, Gessel et al. teach away from Applicant's invention.

Somasegar et al. provide a network failure simulation tool that intercepts packets being sent or received, and redirecting the packets to substitute packet handlers. However, this technique is not believed to disclose or suggest simulating client requests that have unique client identifiers at level 2 of the protocol stack as set forth in Applicant's claim 1. In fact, Applicant does not see any mention of any type of identifier in Somasegar et al.

The Swetman reference appears to be closely related to the Gessel et al. reference. As with Gessel et al., Swetman is concerned with testing OSI layers 3 through 7, and thus is not concerned with simulating client requests having unique client identifiers at level 2 of the protocol stack as set forth in Applicant's claim 1. Level 1 and 2 communications protocols are replaced by a LAN protocol, which is in turn encapsulated by TCP/AP (page 7, lines 7-12). Accordingly, Swetman teaches away from claim 1.

Withdrawal of the rejections is therefore respectfully requested. Moreover, it is noted that Applicant's dependent claims recite further patentable features.

In view of the foregoing remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance be issued. If the Examiner believes that a telephone conference with the Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,

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